

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JEFF SCOTT AS SPECIAL
ADMINISTRATOR OF THE
ESTATE OF DONALD SCOTT,
JESSIE TIPTON, AND
KIMBERLY HUBBARD,**

Plaintiffs,

v.

MERCK & CO., INC.,

Defendant.

No. 07-0258-DRH

ORDER

HERNDON, District Judge:

Pending before the Court is Defendant Merck & Co's April 10, 2007 motion to stay all proceedings (Doc. 4). Specifically, Merck moves the Court to stay all proceedings in this action pending its likely transfer to ***In re VIOXX Prods. Litig., MDL No. 1657***. As of this date, Plaintiffs have not responded to the motion. The Court considers the failure to respond an admission of the merits of the motion.¹ Thus, the Court **STAYS** this matter pending its transfer to the MDL.

IT IS SO ORDERED.

Signed this 29th day of April, 2007.

/s/ **David RHerndon**
United States District Judge

¹**Local Rule 7.1(g)** provides in part: "A party opposing such a motion shall have **ten (10) days** after service of the motion to file a written response. Failure to file a timely response to a motion may, in the court's discretion, be considered an admission of the merits of the motion."